

December 03, 2019

Judge Shelley C. Chapman
United States Bankruptcy Court
Southern District of New York
One Bowling Green
Courtroom: 623
New York, NY 10004-1408



Dear Judge Chapman:

I am writing to you in regard to a subpoena that I received for Case No. 08-13555 that I believe to have been issued in error. The listed Plaintiff is Lehman Brothers Holdings Inc. and the listed Defendant is Cascade Investments L.L.C. The subpoena is for document production related to litigation.

I feel compelled to write to you to try to resolve this matter so as to not run afoul of the subpoena. I am contacting you because the attorney who signed the subpoena, neither exhibited the courtesy nor the requisite professionalism, to complete the part of Form 257 that allows space for the name, address, email address, and telephone number of the attorney representing the Plaintiff and signing the form. Additionally, the signature is completely illegible. Now, perhaps the attorney who signed the subpoena is a partner or employee of Cadwalader, Wickersham & Taft LLP. Regardless, I should not have to spend my time guessing who sent a subpoena from your court. I have no idea who the attorney might be and no reasonable way to determine that information.

Cascade is a name used in various business entities. The proper name of my firm is "Cascade Investment LLC". My firm was formed in February of 2017. The name of the Defendant listed on the subpoena is "Cascade Investments L.L.C.". The subpoena was addressed to "Cascade Investment, L.L.C." and sent to my address. While Cascade Investments L.L.C. is listed on the subpoena as a Defendant, that name does not appear in Appendix B – List of Defendants. So, Cascade Investments, L.L.C. is a non-party to the litigation.

My firm, Cascade Investment LLC was not in existence when Lehman Brothers declared bankruptcy in 2008. My firm has never evaluated, purchased or sold a security referred to as a RMBS or any certificates or interests in the AT-ISSUE TRUSTS. Further, my firm has not received any payments from any bankruptcy proceedings or pursuant to wind-up of any trust related to Lehman Brothers or the firm's activities. My firm has no documents that pertain to the matters being litigated in your bankruptcy court. This is, simply put, an instance of mistaken identity caused by lack of adequate care in the due diligence research process by Plaintiff's attorneys.

The mistake in identifying my firm as a Defendant in the litigation by Plaintiff's counsel has caused me time in reviewing and responding to the subpoena and expense in conveying this information to the

Court. I request that the Court quash the aforementioned subpoena and consider this matter as presenting an "Undue Burden and Expense" under Federal Rule of Civil Procedure 45 (d) (1) to my firm. Had Plaintiff's counsel conducted a thorough and careful review of investment firms that dealt with Lehman Brothers' securities, this mistake would not have occurred. But for Plaintiff's attorneys' carelessness, oversight and negligence in the conduct of their due diligence activities, I would not have had to take time to address this matter.

I respectfully request that the Court grant attorney fees and expenses in the amount of \$972.00 under Federal Rule of Civil Procedure 45 (d) (1) for Plaintiff's counsel not taking reasonable steps to avoid imposing undue burden and expense on a person subject to the subpoena. Itemized, my request for compensation includes two hours of attorney time at \$450.00 per hour and \$72.00 in postage, handling and administrative costs. While this amount may seem small to law firms generating tens of millions of dollars in fees litigating the Lehman Brothers Holdings bankruptcy, this amount represents a significant amount to my firm.

Please have compensation in the amount of \$972.00 sent to me at 452 E. La Salle Street, Colorado Springs, CO 80907; the address to which the subpoena was sent.

By way of certified mail, I have caused a copy of the letter to be sent to the offices of Cadwalader, Wickersham & Taft LLP at the firm's business address listed on the subpoena.

Thank you for your consideration and attention to this matter.

Respectfully,



cc: Cadwalader, Wickersham & Taft LLP, 200 Liberty Street, New York, NY 10281